

BEFORE THE  
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

DR. SVOBODA ALEXANDRA DIMITROVA)

and DR. PETER MOECK

VS.

ILLINOIS BELL TELEPHONE COMPANY)

No. 02-0358

Complaint as to unjustified

charges for \$378.48 and

overpayment of \$95 in Chicago, )

Illinois.

Chicago, Illinois

August 29, 2002

Met pursuant to notice at 1:30 p.m.

BEFORE:

MR. JOHN RILEY, Administrative Law Judge.

APPEARANCES:

DR. SVOBODA ALEXANDRA DIMITROVA

402 North Prairie, Apt. 9

Champaign, Illinois 61820

Appearing for the Complainant;

MR. JAMES HUTTENHOWER

225 West Randolph, 25D

Chicago, Illinois 60606

Appearing for Respondent.

SULLIVAN REPORTING COMPANY, by

Julianne Murphy, RPR, CSR

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I N D E X

<u>Witnesses:</u>					
(None.)	<u>Direct</u>	<u>Cross</u>	<u>direct</u>	<u>cross</u>	<u>By Examiner</u>

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
(None marked.)		

1 JUDGE RILEY: Pursuant to the direction of the  
2 Illinois Commerce Commission, I now call Docket  
3 02-0358. This is a complaint by Dr. Svoboda  
4 Alexandria Dimitrova as to unjustified charges for  
5 \$378.48 and overpayment by \$95 in Chicago,  
6 Illinois.

7 Mr. Huttenhower, would you enter an  
8 appearance for the respondent, please.

9 MR. HUTTENHOWER: James Huttenhower,  
10 H-u-t-t-e-n-h-o-w-e-r, appearing on behalf of  
11 Illinois Bell Telephone, 225 West Randolph Street,  
12 Suite 25D, Chicago, 60606.

13 JUDGE RILEY: And Dr. Dimitrova, would you --

14 DR. SVOBODA DIMITROVA: Svoboda Dimitrova.

15 JUDGE RILEY: Can you spell your last name for  
16 the record.

17 DR. SVOBODA DIMITROVA: D-i-m-i-t-r-o-v-a.

18 JUDGE RILEY: And your address, please.

19 DR. SVOBODA DIMITROVA: At present I live in  
20 Champaign, 402 North Prairie, Apartment 9, zip code  
21 61820.

22 JUDGE RILEY: All right. Thank you.

1           We last met in this matter on July 18, and  
2   at that time I thought we were working toward a  
3   solution. I have since received very recently a  
4   motion from Ameritech to dismiss this matter or, in  
5   the alternative, for summary judgment.

6           Do you have a copy of that motion?

7       DR. SVOBODA DIMITROVA: No.

8       MR. HUTTENHOWER: I sent it out, I think, on  
9   Tuesday to the address in Chicago, so I don't know  
10   if you've been to the address in Chicago.

11       DR. SVOBODA DIMITROVA: No. Now I'll go there  
12   to collect my mail. I haven't been there.

13       JUDGE RILEY: Is anybody collecting your mail  
14   there or sending it to you?

15       DR. SVOBODA DIMITROVA: Yes. Somebody is  
16   collecting my mail.

17       JUDGE RILEY: Okay. Are the sides still far  
18   apart? I mean, obviously, with the motion to  
19   dismiss, it does not bode well.

20       MR. HUTTENHOWER: The last -- I think a couple  
21   of days after I had sent you the e-mail saying I  
22   wasn't sure we could reach agreement, I received

1 another proposal from Ms. Dimitrova. And I worked  
2 with that a little bit and then sent her on Monday,  
3 August 19th, another go-round. And I didn't hear  
4 back from her; I don't know if she received it or  
5 didn't receive it or not.

6 DR. SVOBODA DIMITROVA: I receive it.

7 MR. HUTTENHOWER: Okay. It was in smaller type.  
8 That was one way to tell it apart.

9 DR. SVOBODA DIMITROVA: Yeah. I receive it. I  
10 looked at it and I read it carefully. And I would  
11 say I would agree with this settlement except to  
12 two points; again, one, the confidentiality --

13 MR. HUTTENHOWER: Um-hmm.

14 DR. SVOBODA DIMITROVA: -- and second, you use  
15 for Ameritech the expression to dismiss forever.  
16 So forever to -- to forever discharge Ameritech.  
17 So I insist that here we can say Ameritech should  
18 discharge also forever this case on our side.

19 MR. HUTTENHOWER: At least I think I understand  
20 what you're talking about. With your second point,  
21 though, I'm not sure which paragraphs of the  
22 agreement you're referring to.

1 DR. SVOBODA DIMITROVA: This paragraph 3, line

2 2. And then the correction should appear on --

3 MR. HUTTENHOWER: Okay. I see what you're

4 saying.

5 DR. SVOBODA DIMITROVA: -- on point 4 on

6 paragraph 4, line 3 again.

7 MR. HUTTENHOWER: Okay. I see what you're

8 saying. That one shouldn't be a problem. And I

9 can -- we can either write that in or write in the

10 word "forever," I guess.

11 And the other -- your other point related

12 to the confidentiality provision, which is

13 paragraph 7, I believe, that one, I think we would

14 prefer that it stay in.

15 I'm not sure how much of this we want to

16 do on the record.

17 JUDGE RILEY: That's what I was wondering. This

18 is a settlement negotiation, it seems, at this

19 point, and having it on the record is going to kind

20 of defeat the purpose of that.

21 Do you need a couple of minutes to talk

22 among yourselves?

1       MR. HUTTENHOWER: We certainly should go off the  
2 record, yes.

3                       (Discussion off the record.)

4       JUDGE RILEY: We are back on the record, and it  
5 is my understanding that the complainant and the  
6 respondent agreed in principle to settle this  
7 matter. Is that essentially correct?

8       DR. SVOBODA DIMITROVA: Yeah.

9       JUDGE RILEY: Is that Ameritech's understanding  
10 also?

11       MR. HUTTENHOWER: That's correct.

12       JUDGE RILEY: There was a matter of one small  
13 change to the agreement itself; the word "forever"  
14 had been left out of one of the paragraphs. And  
15 that will be inserted?

16       MR. HUTTENHOWER: Yes.

17       JUDGE RILEY: All right. With regard to the  
18 motion to dismiss or, in the alternative, for  
19 summary judgment, is Ameritech now withdrawing  
20 that?

21       MR. HUTTENHOWER: Yes, pending the execution of  
22 these settlement papers in a couple of minutes.

1 JUDGE RILEY: All right. Are we going to do  
2 that on the record?

3 MR. HUTTENHOWER: I actually just thought of one  
4 question about the settlement. Both Dr. Dimitrova  
5 and Mr. Moeck are complainants, and only she is  
6 here today.

7 JUDGE RILEY: Right.

8 MR. HUTTENHOWER: I mean, there was an issue of  
9 whether he was an appropriate party in the first  
10 place, but I guess I'm uncertain about whether --  
11 if she and I sign and he doesn't --

12 JUDGE RILEY: Whether it's a valid agreement  
13 then, right.

14 DR. SVOBODA DIMITROVA: We can send it to him.

15 JUDGE RILEY: Well, let's hold on a minute; we  
16 may not have to. My concern was that Dr. Moeck  
17 was not an account holder of Ameritech.

18 DR. SVOBODA DIMITROVA: Yeah.

19 JUDGE RILEY: He did not have --

20 DR. SVOBODA DIMITROVA: No, he didn't.

21 JUDGE RILEY: And the fact that he had signed  
22 the complaint and was a party to the complaint --



1 DR. SVOBODA DIMITROVA: Yes, that's right.

2 JUDGE RILEY: Well, let me ask you this: Does

3 his signature appear on the complaint?

4 DR. SVOBODA DIMITROVA: Yes, I think it appears.

5 It's here, the small signature down -- it's his

6 signature.

7 JUDGE RILEY: That is his signature there?

8 Okay. I'm under the verification then.

9 But did he sign the complaint up here

10 (indicating)? This is your signature; is that

11 correct? That's him there. Okay.

12 DR. SVOBODA DIMITROVA: That's his (indicating).

13 That's his (indicating).

14 JUDGE RILEY: Okay. Let's go off the record

15 again for the couple of minutes.

16 (Discussion off the record.)

17 (A short break was had.)

18 JUDGE RILEY: Back on the record.

19 I have given this some thought, and it has

20 occurred to me -- I just want to make sure where we

21 stand. It is my understanding that, Dr. Dimitrova,

22 you were the sole customer of Ameritech with regard

1 to the number complained of here.

2 DR. SVOBODA DIMITROVA: No. I -- I order the  
3 telephone line, so it was on my name. But we lived  
4 together with -- Mr. Peter Moeck, so we used the  
5 telephone line together.

6 JUDGE RILEY: Right. I understand that he has  
7 use of it. But as far as the bills that came  
8 in that were sent --

9 DR. SVOBODA DIMITROVA: Yeah. The bills were  
10 just sent to me.

11 JUDGE RILEY: Those were strictly sent to you?

12 DR. SVOBODA DIMITROVA: To my name, yeah.

13 JUDGE RILEY: So regardless -- I mean, I lot of  
14 people could use it --

15 DR. SVOBODA DIMITROVA: Yes.

16 JUDGE RILEY: -- but -- right. Yeah. I'm  
17 looking at one from June 1, 2000 -- 2002, excuse  
18 me, and it has your name only on there. And that  
19 was at 1149 West Taylor on the third floor rear.

20 DR. SVOBODA DIMITROVA: Right.

21 JUDGE RILEY: These were, like, all the bills  
22 that you got for the period in question here?

1 DR. SVOBODA DIMITROVA: (Nodding.)

2 JUDGE RILEY: All right, then. Then it's my

3 understanding that we do not need the signature of

4 Dr. Moeck, this is your account, you are the

5 complainant, and that you can settle this matter by

6 yourself. So we can proceed.

7 MR. HUTTENHOWER: All right. Well, then when we

8 go off the record, then we can sign the document.

9 JUDGE RILEY: All right. Then we still have an

10 agreement in principle as it appears?

11 DR. SVOBODA DIMITROVA: Yeah. I agree to sign

12 this document.

13 JUDGE RILEY: Okay. Is there anything further?

14 MR. HUTTENHOWER: Nothing from Ameritech.

15 JUDGE RILEY: All right. Then I'll direct the

16 court reporter to mark this matter heard and taken.

17 Thank you very much.

18 HEARD & TAKEN ...

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